



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUL 1 2005

Dr. Rick Melmer
Secretary of Education
South Dakota Department of Education
700 Governors Drive
Pierre, SD 57501-2291

Dear Secretary Melmer:

Thank you for the opportunity to review the proposed amendments to your State accountability plan. The information in this letter presents feedback from Department staff and reflects the *No Child Left Behind Act of 2001* (NCLB) and final U.S. Department of Education (ED) regulations. While all amendments you requested are acceptable, one will require you to provide additional data once it is available.

Acceptable amendments

We have reviewed your request to amend the South Dakota accountability plan that was fully approved on August 27, 2004, and found the following amendments acceptable:

- **Holding all schools to the same criteria.** South Dakota proposes that students in institutions for the blind and deaf will be counted for accountability purposes in the resident school. Students placed in South Dakota private/non-profit facilities will be included for accountability purposes in the resident district. Students placed by other State agencies will be included for accountability purposes at the district level.
- **Rewards and Sanctions.** To be eligible for the Distinguished Schools award, South Dakota proposes that at least 10 students in the grades tested in schools and at least 10 students per grade span in the district will be needed.
- **Definition of Adequate Yearly Progress (AYP).** South Dakota requests that a 75% confidence interval be applied to the calculations for 'safe harbor' (Section 1111(b)(2)(I)(i)).
- **Starting points and Annual Measurable Objectives for AYP.** Due to a change in the academic content and achievement standards, as well as the assessment for reading, the starting point, intermediate goals and annual measurable objectives for reading will be revised during the summer of 2005. Content standards and achievement descriptors for mathematics have been revised and will be implemented during the 2005-06 school year. Cut scores for the revised math assessment will be set in May 2006. The same procedure for setting the starting point and annual measurable objectives for math will be used in June 2006. South Dakota may set its starting points, annual measurable objectives and intermediate goals on the basis of data from new reading assessments and use those starting

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points to make decisions about AYP for the 2005-06 school year. Please provide South Dakota's starting points, annual measurable objectives, and intermediate goals, based on the new reading assessments, on or before September 1, 2005.

- Including students with disabilities in adequate yearly progress. A standards setting process was conducted in May 2005 based upon results of the alternate assessment for students with the most significant cognitive disabilities administered during the 2004-05 school year. South Dakota proposes establishing alternate academic achievement standards and describes the intended use of the alternate assessment scores in determining adequate yearly progress for the 2004-05 school year.
- Flexibility for students with disabilities. South Dakota will use the "proxy method" (Option 1 in our guidance dated May 7, 2005) to take advantage of the Secretary's flexibility regarding modified academic achievement standards. South Dakota will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, South Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004-05 school year.
- Inclusion of LEP students in AYP determinations. South Dakota proposes clarifying language pertaining to the English Language Proficiency Test and participation of LEP students in assessments, consistent with the Secretary's flexibility offered in February 2004. LEP students who attain a proficient achievement level for two consecutive years on the overall composite score of the English language proficiency assessment will no longer be considered an active LEP student.
- High school graduation rate. South Dakota proposes changing the graduation rate target from 90% to 80%.
- Appeals of AYP status. South Dakota proposes clarifying language stating that districts must submit a letter regarding appeals no later than ten working days after notification of AYP determination.
- Application of 95% participation requirement. South Dakota proposes modifying the language regarding the 95% participation requirement in order to provide greater clarity to the field. If a school, district grade span, or student group has 40 or fewer students enrolled in the tested grades, then it shall have no more than two students not participate in the State assessment.

Thank you for the opportunity to review the proposed amendments to your State accountability plan. My staff and I are willing to discuss this interim feedback with you in greater detail. Meredith Miller (meredith.miller@ed.gov) or Valeria Ford (valeria.ford@ed.gov) can answer any questions you might have about these issues and how we can help you through this process. Once you can provide the additional information requested above regarding new starting points, annual measurable objectives, and intermediate goals based on the new reading assessments,

please submit your amended accountability plan for final review and approval. We hope this information will be useful to the South Dakota Department of Education as it refines its accountability system to ensure that no child is left behind.

Sincerely,



Raymond Simon

cc: Governor Mike Rounds